

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 63-86 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues amendment of the claims to include feature "displaying, on user television equipment...." overcomes the 101 rejection (page 10, paragraphs 2-3). This argument is respectfully traversed.

amendment of claim 63 (and its dependent claims) to include "on user television equipment..." does not necessarily required the process be "tied to another statutory class" (such as a particular apparatus). For example, the step of "displaying, on user television equipment..." could be interpreted as, for example, writing on user television equipment a list of a plurality of program title, or sticking/hanging a piece of paper that list a plurality of television on the user television equipment. Similar interpretations are applied to feature "on the user television equipment". Therefore, rejections under 101 for claims 63-68 are sustained.

Rejections on claims 63-86 are analyzed as discussed below.

Claims 1-62 have been canceled.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 63-68 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of *In Re Bilski* 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The claimed method comprising displaying.., is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. For example, the displaying, on user television equipment, a list... could be performed by writing on a user television a list program titles or displaying/hanging on a user television equipment a piece of paper contains a plurality of titles, and the other recited features could be performed by selecting a program title on the piece of paper using a pen/fingers or communicate with another person at the same location or via mail.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 63-64, 66-72, 74-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US 5,351,075) in view of Williams et al. (US 5,945,988) and further in view of Gough et al. (US 5,680,617).

Regarding claims 63, 69, 77, and 82, Herz teaches a dynamic scheduling system and method that receives user votes for movies to adjust the prime-time viewing periods (col. 3, lines 27-53). Herz teaches displaying a list of a plurality of program titles, wherein each of the plurality of program titles is for an unscheduled program that is outside a program listings time frame that is currently available to a user (see include, but not limited to, col. 5, lines 36-41, lines 60-63);

displaying, on user television equipment, information with the plurality of program titles, wherein the information informs the user that the unscheduled programs are outside the program listings time frame that is currently available to the user and informs the user that the unscheduled programs are expected to be available at a later time (lists of includes information derived from video magazines discloses upcoming releases, and date of the release -see include, but not limited to, col. 5, lines 60-63).

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Herz teaches providing the user with the opportunity, on the user television equipment, to select a program title from the displayed list of the plurality of program titles (col. 5, lines 30-50), and providing a notification to the user of the availability of the program corresponding to the selected program title when the program is available in the program listings time frame in form of program guides (col. 6, lines 34-35). However, Herz is silent about providing the user with an opportunity, on user television equipment, to select a type of notification in response to user selection of the program title, displaying a program-specific availability corresponding to the selected type of notification to the user indicating the availability of the program corresponding to selected program title in response to the listing of the program corresponding to the selected program title in the current program listing time frame.

Williams discloses providing and displaying a program-specific availability notification corresponding to user selection of particular feature such as notification/information to the user indicating the availability of the program corresponding to the selected program title in response to the listing of the program corresponding to the selected program title in the current program listing time frame (prompting the user or displaying a list of program suggestions to user with the found information in response to user selection by searching updated programming information indicating the availability of the program corresponding to selected program title or keywords corresponding to the requested title or keywords in the current program listing time frame selected by user - see include, but not limited to, col. 6, lines 8-64, col. 7, lines 14-62, col. 11, line 1-col. 12, line 14, col. 15,

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lines 11-25, figures 6-8); the unscheduled program is also read on program with information received in update programming information, or program that is not currently displayed on the program guide screen). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz with the teaching as taught by Williams in order to yield predictable results such as to allow user to locate desired content easily or to avoid missing content that is interest to current system user.

Herz in view of Williams are not explicitly disclose providing user with an opportunity to select a type of notification in response to user selection of particular information; and providing notification corresponding to the selected type of notification.

Gough discloses providing user with an opportunity, on an user equipment, to select a type of notification in response to user selection of particular information/content; and providing, on the user equipment, a notification corresponding to the selected type of notification to the user....(e.g., providing user with an opportunity, on a user display screen, to select a type of notification such as notify by displaying message, flashing icon, playing sound, saying message, etc. and providing on user equipment the notification corresponding to the selected type of notification - see include, but not limited to, figures 5a-5b, 6,8-9,14, col. 5, lines 42-60, col. 7, lines 41-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz in view of William to use the teaching as taught by Gough in order to yield a predictable results such as to enable the computer to assist the user in accomplishing desired goals or to allow the user to customize the operation

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of a computer to suit his or her particular needs (see include, but not limited to, col. 2, lines 18-43).

Regarding claim 64, Herz in view of Williams and Gough discloses the method as discussed in the rejection of claim 63. Williams in view of Gough further discloses displaying a list of programs for which a notification is to be provided (e.g., displaying a list of programming suggestions or prompts the user with the found program information - see include, but not limited to, Williams: col. 11, line 9-col. 12, line 14).

Regarding claim 66, Herz in view of Williams in view of Gough discloses the method as discussed in the rejection of claim 63. Williams in view of Gough further discloses providing a notification includes providing a message notification (message notification is read on program suggestions or prompts the user with the found information - see include, but not limited to, Williams: col. 11, line 9-col. 12, line 14, col. 15, lines 11-25; Gough: figures 5A-9).

Regarding claim 67, Herz in view of Williams in view of Gough discloses the method as discussed in the rejection of claim 63. Williams in view of Gough further discloses providing a notification includes providing a reminder notification (message notification is read on program suggestions or prompts the user with the found information - see include, but not limited to, Williams: col. 11, line 9-col. 12, line 14, col. 15, lines 11-25; Gough: figures 5a-9).

Regarding claim 68, Herz in view of Williams in view of Gough discloses the method as discussed in the rejection of claim 63. Williams in view of Gough further discloses providing a user with the opportunity to setup a configuration of the notification (interpreted as user selected a request, keyword, title, etc. to setup a configuration of notification for this selections, and when the selected keyword, title, etc. is detected, prompt reminder or suggestion - see include, but not limited to, Williams: col. 7, lines 41-62, col. 11, line 9-col. 12, line 14, col. 15, lines 11-25; Gough: figures 5a-9).

Regarding claims 72, 74-76, 78-81, 83-86, the additional limitations that respectively correspond to the additional limitations of claims 64, 66-68 are analyzed as discussed in the rejection of claims 64, 66-68.

Regarding claim 70, Herz in view of Williams in view of Gough discloses the method as discussed in the rejection of claim 69. Herz in view of Williams in view of Gough further teaches user television equipment (Herz: figure 1, labels 40 and 50; Williams: figure 1, 5).

Regarding claim 71, Herz in view of Williams in view of Gough discloses the method as discussed in the rejection of claim 69. Herz in view of Williams in view of Gough further teaches user equipment is user personal computer equipment (Williams: figure 1, 5, col. 3, lines 16-28; Gough: figures 5a-9). It would have been obvious to one of ordinary skill

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in the art to modify Herz by using a personal computer as further taught by Williams or Gough in order to enable different devices to interface with the system.

6. Claims 65, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US 5,351,075) in view of Williams et al. (US 5,945,988) and Gough et al. as applied to claim 63 or claim 69 and further in view of Menard et al. (US 6,061,056).

Regarding claim 65, Herz in view of Williams in view of Gough discloses the method as discussed in the rejection of claim 63. Herz does not explicitly disclose providing a notification including providing an e-mail notification.

Menard discloses providing a notification including providing an email notification or a message notification (see include, but not limited to, col. 2, lines 27-41, col. 5, lines 51-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz in view of Williams with the teaching as taught by Menard in order to yield predictable results such as to delivery notifications to any Internet accessible system.

Regarding claim 73, the additional limitations that correspond to the additional limitations of claim 65 are analyzed as discussed with respect to the rejection of claim 65.



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7. Claims 63-64, 66-72, 74-78, 79-83, 84-86 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US 5,351,075) in view of Schein et al. (US 6,133,909) and Gough (US 5,680,617).

Regarding claims 63, 69, 77, and 82, Herz teaches a dynamic scheduling system and method that receives user votes for movies to adjust the prime-time viewing periods (col. 3, lines 27-53). Herz teaches displaying a list of a plurality of program titles, wherein each of the plurality of program titles is for an unscheduled program that is outside a program listings time frame that is currently available to a user (see include, but not limited to, col. 5, lines 36-41, lines 60-63);

displaying information with the plurality of program titles, wherein the information informs the user that the unscheduled programs are outside the program listings time frame that is currently available to the user and informs the user that the unscheduled programs are expected to be available at a later time (lists of includes information derived from video magazines discloses upcoming releases, and date of the release - see include, but not limited to, col. 5, lines 60-63). Herz teaches providing the user with the opportunity to select a program title from the displayed list of the plurality of program titles (col. 5, lines 30-50), and providing a notification to the user of the availability of the program corresponding to the selected program title when the program is available in the program listings time frame in form of program guides (col. 6, lines 34-35). However, Herz is silent about displaying a program-specific availability notification to the user indicating the availability of the program corresponding to selected program title in

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response to the listing of the program corresponding to the selected program title in the current program listing time frame.

Schein discloses providing and displaying a program-specific availability notification to the user indicating the availability of the program corresponding to the selected program title in response to the listing of the program corresponding to the selected program title in the current program listing time frame (see include, but not limited to, col. 11, lines 62-65, col. 12, line 34-col. 14, line 9; the unscheduled program is also read on future episodes of series associated with title selected by user from program listing or program that is not currently displayed on the program guide screen). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz with the teaching as taught by Schein in order to yield predictable results such as to allow user to locate desired content easily or to avoid missing content that is interest to current system user.

Herz in view of Schein are not explicitly disclose providing user with an opportunity to select a type of notification in response to user selection of particular information; and providing notification corresponding to the selected type of notification.

Gough discloses providing user with an opportunity, on an user equipment, to select a type of notification in response to user selection of particular information/content; and providing, on the user equipment, a notification corresponding to the selected type of notification to the user....(e.g., providing user with an opportunity, on a user display screen, to select a type of notification such as notify by displaying

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message, flashing icon, playing sound, saying message, etc. and providing on user equipment the notification corresponding to the selected type of notification - see include, but not limited to, figures 5a-5b, 6,8-9,14, col. 5, lines 42-60, col. 7, lines 41-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz in view of Schein to use the teaching as taught by Gough in order to yield a predictable results such as to enable the computer to assist the user in accomplishing desired goals or to allow the user to customize the operation of a computer to suit his or her particular needs (see include, but not limited to, col. 2, lines 18-43).

Regarding claim 64, Herz in view of Schein and Gough discloses the method as discussed in the rejection of claim 63. Gough further discloses providing notification includes providing a message notification (figures 5a-9).

Regarding claim 66, Herz in view of Schein and Gough discloses the method as discussed in the rejection of claim 63. Schein further discloses displaying a list of programs for which a notification is to be provided (notifying the user when desired program(s) has/have been located see include, but not limited to, col. 13, lines 34-col. 14, line 9).

Regarding claim 67, Herz in view of Schein and Gough discloses the method as discussed in the rejection of claim 63. Schein further discloses providing a notification

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includes providing a reminder notification (col. 12, lines 57-65, col. 13, lines 45-48, col. 13, line 61-col. 14, line 9).

Regarding claim 68, Herz in view of Schein and Gough discloses the method as discussed in the rejection of claim 63. Schein and Gough further discloses providing a user with the opportunity to setup a configuration of the notification (interpreted as user selection of a request, keyword, title, etc. to setup a configuration of notification for this selections, and when the selected keyword, title, etc. is detected, prompt reminder/notify user- see include, but not limited to, col. 11, line 63-col. 14, line 9).

Regarding claim 70, Herz in view of Schein and Gough discloses the method as discussed in the rejection of claim 69. Herz in view of Schein and Gough further teaches user television equipment (Herz: figure 1, labels 40 and 50; Schein: figure 1).

Regarding claim 71, Herz in view of Schein and Gough discloses the method as discussed in the rejection of claim 69. Herz in view of Schein and Gough further teaches user equipment is user personal computer equipment (Schein: figure 1, 3 or Gough: figures 5a-9). It would have been obvious to one of ordinary skill in the art to modify Herz by using a personal computer as further taught by Schein or Gough in order to yield predictable results such as to enable different devices to interface with the system.

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Regarding claims 72, 74-76, 78-81, 83-86, the additional limitations that respectively correspond to the additional limitations of claims 64, 66-68 are analyzed as discussed in the rejection of claims 64, 66-68.

8. Claims 65, 73 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US 5,351,075) in view of Schein et al. (US 5,945,988) and Gough as applied to claim 63 or claim 69 and further in view of Menard et al. (US 6,061,056).

Regarding claims 65, Herz in view of Schein and Gough discloses the method as discussed in the rejection of claim 63. Herz in view of Schein does not explicitly disclose providing a notification including providing an e-mail notification.

Menard discloses providing a notification including providing an email notification or a message notification (see include, but not limited to, col. 2, lines 27-41, col. 5, lines 51-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz in view of Williams with the teaching as taught by Menard in order to yield predictable results such as to delivery notifications to any Internet accessible system.

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Regarding claim 73, the additional limitations that correspond to the additional limitations of claims 65 are analyzed as discussed with respect to the rejection of claims 65.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,909,708 B1 discloses selection option to provide notification via voicemail, pager, voicemail or pager, closing message, etc. (figures 58-63).

DeLuca et al. (US 4,872,005) discloses paging receiver capable of reminding a user of an important message event using different devices.

Fuller et al. (US 5,224,156) discloses method and apparatus for facsimile enhancement.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2424

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